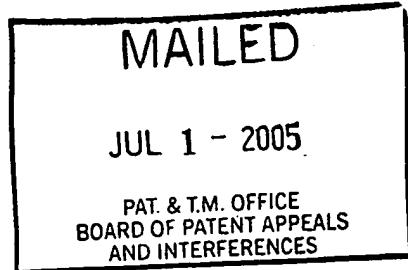


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Paper 23

Filed 1 July 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

JOHN STANLEY MICHALEK  
and MATTHEW PERRY BROWN  
Junior Party  
(Application 10/085,743),

v.

DAVID DOBBS, MARK F SPREITZER  
and MORGAN J. BULLARD  
Senior Party  
(Patent 6,549,001).

Patent Interference No. 105,329

Before: LEE, MEDLEY and TIERNEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**Judgment - Bd. R. 127**

Michalek has failed to show good cause why judgment should not be entered against it  
(Paper 16).

Accordingly, it is

**ORDERED** that judgment on priority as to Count 1 (Paper 1 at 4) is awarded  
against junior party JOHN STANLEY MICHALEK and MATTHEW PERRY BROWN.

**FURTHER ORDERED** that junior party JOHN STANLEY MICHALEK and MATTHEW PERRY BROWN is not entitled to a patent containing claims 28-48 (corresponding to Count 1) of application 10/085,743.

**FURTHER ORDERED** that a copy of this paper shall be made of record in files of application 10/085,743 and U.S. Patent 6,549,001.

**FURTHER ORDERED** that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

<u>/ss/ Jameson Lee</u>	)
JAMESON LEE	)
Administrative Patent Judge	)
	)
	)
<u>/ss/ Sally C. Medley</u>	) BOARD OF PATENT
SALLY C. MEDLEY	) APPEALS AND
Administrative Patent Judge	) INTERFERENCES
	)
	)
<u>/ss/ Michael P. Tierney</u>	)
MICHAEL P. TIERNEY	)
Administrative Patent Judge	)

cc (via e-mail and fed ex):

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